EXAMINER'S AMENDMENT

- An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

- Authorization for this examiner's amendment was given in a telephone interview with applicant's representative, Rochelle Lieberman, on 03/26/2009.

AMENDMENT TO THE CLAIMS

The listing of claims as below replaces listing in the CLAIMS that was filed by applicant on 01/14/2009.

1. (Currently Amended) A method comprising:

configuring a computer network with a central system server in communication with at least two machines;

~~said central system server~~ dynamically installing, by said central system server, a daemon application on each machine with available disk space ~~storage, said machines including each server and client in the network~~;

receiving [[a]] first metadata, by the central system server, from ~~said~~ each installed daemon ~~applications~~ application, wherein said first metadata comprises information regarding ~~an~~ at least one machine and the corresponding amount of available disk space of the at least one machine to store backup files;

creating a master file ~~by~~ in the central system server, wherein said master file comprises the received first metadata ~~information~~;

~~the central system server~~ installing a backup application, by the central system server, on ~~one~~ a first machine of ~~said~~ the at least two machines ~~to perform~~ that needs a backup operation for at least one file stored therein;

~~the central system server~~ receiving a request, by the central system server, from the backup application installed on the first machine to download said master file;

~~said backup application~~ selecting, by the installed backup application on the first machine, from the downloaded master file at least one second machine available to store ~~backup files~~ the at least one file; and

performing the backup operation to backup the at least one file to the at least one selected second machine.

2. (Cancel)

3. (Previously Presented) The method as recited in claim 1 further comprising the steps of:

compressing and encrypting backup data; and

storing a second metadata and a key.

4. (Previously Presented) The method as recited in claim 3, wherein said second metadata comprises one or more of the following information: number of bytes of data backed up in a particular machine, machines storing said backup data, type of files in said backup data, ownership of files in said backup data, and privileges to execute said backup data.

5. (Previously Presented) The method as recited in claim 4 further comprising the step of:

transmitting said second metadata and said key to a said central system server.

6. (Currently Amended) The method as recited in claim 4 further comprising the steps of:

~~the backup application~~ receiving, by the backup application, a list of files to be restored;

determining which machines store ~~said~~ files of the list of files to be restored using said second metadata; and

~~the backup application~~ connecting, by the backup application, to ~~one or more~~ the corresponding daemon applications on ~~one or more~~ the determined machines storing said files of the list of files to be restored.

7. (Currently Amended) The method as recited in claim 6 further comprising the steps of:

receiving said files to be restored from said ~~one or more~~ corresponding daemon applications;

uncompressing and decrypting said files to be restored using said key; and

restoring said files to be restored.

8. (Currently Amended) A computer program product embodied in a machine readable medium comprising <u>instructions executed by a processor for performing backup on a computer network with a central system server in communication with at least two machines, the executed instructions performing</u> ~~the~~ programming steps of:

   dynamically installing<u>, by the central system server,</u> a daemon application on <u>each machine with available disk space</u> ~~at least one of a plurality of machines with available disk space in by a central system coupled to said machine, said machines including each server and client on a network~~;

   receiving [[a]] first metadata<u>,</u> by the central system server<u>,</u> from ~~said~~ <u>each</u> installed daemon application ~~applications~~, wherein said fist metadata comprises information regarding ~~an~~ <u>at least one machine and the corresponding</u> amount of available disk space to store backup files;

   creating a master file ~~by~~ <u>in</u> the central system server, wherein said master file comprises the received first metadata ~~information~~;

   ~~the central system server~~ installing a backup application<u>, by the central system server,</u> on ~~on a select quantity of the machines~~ <u>a first machine of the at least two machines that needs</u> ~~to perform~~ a backup operation <u>for at least one file stored therein</u>;

   receiving<u>,</u> by the central system server<u>,</u> a request from said installed backup application on [[a]] <u>the</u> first machine to download said master file;

   ~~the backup application on said first machine~~ selecting<u>, by the installed backup application on the first machine,</u> from the downloaded master file at least one second machine available to store ~~backup files~~ <u>the at least one file</u>; and

   performing the backup operation to backup <u>the</u> at least one file to the at least one selected second machine.

9. (Cancel)

10. (Previously Presented) The computer program product as recited in claim 8 further comprising the programming steps of:

   compressing and encrypting backup data; and

   storing a second metadata and a key.

11. (Currently Amended) The computer program product as recited in claim 10, wherein said second metadata comprises one or more of the following information: number of bytes of data backed up in a particular machine, machines storing said backup data, type of files in said backup data, ownership of files in said backup data, and ~~who has~~ privileges to execute said backup data.

12. (Previously Presented) The computer program product as recited in claim 11 further comprising the programming step of:

transmitting said second metadata and said key to said central system server.

13. (Currently Amended) The computer program product as recited in claim 11 further comprising the programming steps of:

~~the backup application~~ receiving, by the backup application, a list of files to be restored;

determining which machines store ~~said~~ files of the list of files to be restored using said second metadata; and

~~the backup application~~ connecting, by the backup application, to ~~one or more~~ the corresponding daemon applications on ~~one or more~~ the determined machines storing said files of the list of files to be restored.

14. (Currently Amended) The computer program product as recited in claim 13 further comprising the programming steps of:

receiving said files to be restored from said ~~one or more~~ corresponding daemon applications;

uncompressing said decrypting said files to be restored using said key; and

restoring said files to be restored.

15. (Currently Amended) A system, comprising:

a central system server;

at least two ~~multiple~~ machines connected to the central system server through a network, each machine in the system having a processor; and

for each machine, a memory unit storage coupled to said processor ~~wherein said memory unit storage is operable for storing a computer program for backing up and restoring files; said machine selected from the group consisting of: a server and a client;~~

~~wherein said storage includes~~ a computer program, wherein said computer program ~~comprises instructions~~ is embedded in said <u>central system server and executed by said central system server, the executed computer program performs</u> ~~storage and executable by said processor, said instructions comprising~~:

~~instructions for~~ dynamically installing a daemon application on [[a]] <u>each</u> machine with available disk space ~~by a central system server coupled to said machine~~;

~~instructions for~~ receiving [[a]] first metadata<u>,</u> by the central system server<u>,</u> from ~~said~~ <u>each</u> installed daemon application, wherein said first metadata comprises information regarding ~~an~~ <u>at least one machine and the corresponding</u> amount of available disk space <u>of the at least one machine</u> to store a backup file;

~~instructions for~~ creating a master file ~~by~~ <u>in</u> the central system server, wherein said master file comprises the received first metadata ~~information~~;

~~instructions for~~ installing a backup application<u>, by the central system server,</u> on ~~on~~ a first <u>machine</u> of said <u>at least two</u> machines <u>that needs</u> ~~to perform~~ a backup operation <u>for at least one file stored therein</u>;

~~instructions for~~ receiving<u>,</u> by the central system server<u>,</u> a request from said installed backup application to download said master file;

~~instructions for the installed backup application~~ selecting<u>, by the installed backup application,</u> from the downloaded master file at least one second machine available to store ~~backup files~~ <u>the at least one file</u>; and

~~instructions for~~ performing the backup operation to backup <u>the</u> at least one file to the at least one selected second machine.

16. (Canceled)

17. (Currently Amended) The system as recited in claim 15, wherein said backup application comprises instructions~~, executable by said processor and stored in storage accessible to said processor, said instructions comprising instructions~~ for receiving a list of files to be backed up.

18. (Previously Presented) The system as recited in claim 17, wherein said backup application further comprises:

    instructions for compressing and encrypting backup data; and

    instructions for storing a second metadata and a key.

19. (Currently Amended) The system as recited in claim 18, wherein said second metadata comprises one or more of the following information: number of bytes of data backed up in a particular system, systems storing said backup data, type of files in said backup data, ownership of files in said backup data, and ~~who has~~ privileges to execute said backup data.

20. (Previously Presented) The system as recited in claim 19, wherein said backup application further comprises:

     instructions for transmitting said second metadata and said key to said central system server.

21. (Currently Amended) The system as recited in claim 19, wherein said backup application further comprises:

     instructions to receive a list of files to be restored by a backup application;

     instructions to determine which machine to store ~~said~~ files <u>of the list of files</u> to be restored using said second metadata; and

     instructions to connect the backup application to ~~at least one of said~~ <u>the corresponding</u> daemon applications stored on said <u>determined</u> machines storing said files <u>of the list of files</u> to be restored.

22. (Currently Amended) The system as recited in claim 21, wherein said backup application further comprises:

     instructions for receiving said files to be restored from ~~at least one of~~ said <u>corresponding</u> daemon applications;

     instructions for uncompressing and decrypting said files to be restored using said key; and

     instructions for restoring said files to be restored.

REASONS FOR ALLOWANCE

- The following is an examiner's statement of reasons for allowance:

Prior arts of record do not render obvious, nor anticipate the combination of claimed

elements including the technique of *selecting, by the installed backup application on the first machine,*

from the downloaded master file at least one second machine available to store the at least one file; and

performing the backup operation to backup the at least one file to the at least one selected second machine

as recited in claims 1, 8 and 15. Thus, claims 1, 8 and 15 are allowed. Dependent claims 3-7,

10-14, 17-22 are allowed at least by virtue of their dependencies from claim 1, 8 and 15.

- Any comments considered necessary by applicant must be submitted no later than

the payment of the issue fee and, to avoid processing delays, should preferably accompany the

issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons

for Allowance."

- Any inquiry concerning this communication or earlier communications from the

examiner should be directed to HUNG Q. PHAM whose telephone number is 571-272-4040.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, JAMES K. TRUJILLO can be reached on 571-272-3677. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUNG Q. PHAM/   HUNG Q. PHAM
Primary Examiner, Art Unit 2169   Primary Examiner
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March 27, 2009